

1 M. KIRBY C. WILCOX (Cal. State Bar No. 78576)
JEFFREY D. WOHL (Cal. State Bar No. 96838)
2 KATHERINE C. HUIBONHOA (Cal. State Bar No. 207648)
PAUL, HASTINGS, JANOFSKY & WALKER LLP
3 55 Second Street, 24th Floor
San Francisco, California 94105-3441
4 Telephone: (415) 856-7000
Facsimile: (415) 856-7100
5 jeffwohl@paulhastings.com
kathyhuibonhoa@paulhastings.com

6 Attorneys for Defendant
7 New United Motor Manufacturing, Inc.

8 *(Additional Counsel on Next Page)*

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 WILLIAM COOKSON, JUNE
ANDRADE, SENITA PORCHER,
13 NIYSHA EDWARD, DAVID BOTELLO,
SANTOS RAY REHMKE and DAVID
14 AXTON on behalf of themselves and all
others similarly situated,

15 Plaintiffs,

16 vs.

17 NEW UNITED MOTOR
18 MANUFACTURING, INC., TOYOTA
MOTOR CORPORATION and
19 TOYOTA MOTOR SALES, U.S.A.,
INC.
20

21 Defendants.
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Case No. C10-02931 CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
TO STAY FRCP 26(F) CONFERENCE,
INITIAL DISCLOSURES, AND
DISCOVERY PLAN; AND CONTINUE
MOTION TO DISMISS HEARING AND
CASE MANAGEMENT CONFERENCE**

1 ANTONIO M. LAWSON (State Bar No. 140823)
LAWSON LAW OFFICES
2 160 Franklin Street, Suite 209
Oakland, CA 94607
3 Telephone: (510) 419-0940
Facsimile: (510) 419-0948
4 tony@lawsonlawoffices.com

5 GREGORY J. MAYEDA (State Bar No. 203509)
THE LAW OFFICES OF GREG MAYEDA
6 410 Twelfth Street, Suite 325
Oakland, CA 94607
7 Telephone: (510) 420-1400
Facsimile: (510) 291-9694
8 greg@mayedalaw.com

9 BRAD SELIGMAN (State Bar No. 83838)
JOCELYN LARKIN (State Bar No. 110817)
10 THE IMPACT FUND
125 University Avenue, Suite 102
11 Berkeley, CA 94710
Telephone: (510) 845-3473
12 Facsimile: (510) 845-3654
BSeligman@impactfund.org
13 JLarkin@impactfund.org

14 WILLIAM C. MCNEILL (State Bar No. 64392)
CLAUDIA CENTER (State Bar No. 158255)
15 JINNY KIM (State Bar No. 208953)
THE LEGAL AID SOCIETY - EMPLOYMENT LAW CENTER
16 600 Harrison Street, Suite 120
San Francisco, CA 94107
17 Telephone: (415) 864-8848
Facsimile: (415) 864-8199
18 wmcneill@las-elc.org
ccenter@las-elc.org
19 jkim@las-elc.org

20 Attorneys for Plaintiffs

21 *(Continued on Next Page)*
22
23
24
25
26
27
28

1 GEORGE A. STOHNER (SBN 214508)
2 CLIFFORD D. SETHNESS (SBN 212975)
3 MORGAN LEWIS & BOCKIUS LLP
4 300 South Grand Avenue, Twenty-Second Floor
5 Los Angeles, CA 90071
6 Tele: (213) 612-2500
7 Fax: (213) 612-2501

8 L. JULIUS M. TURMAN (SBN 226126)
9 STEVEN K. GANOTIS (SBN 234252)
10 MORGAN LEWIS & BOCKIUS LLP
11 One Market Plaza, Spear Street Tower
12 San Francisco, CA 94105
13 Tele: (415) 442-1000
14 Fax: (415) 442-1001

15 Attorneys for Defendants
16 TOYOTA MOTOR CORPORATION and
17 TOYOTA MOTOR SALES, U.S.A., INC.
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1 WHEREAS the parties have agreed to engage in an early mediation in this action and have
2 scheduled a private mediation session with the Honorable Edward A. Panelli (Ret.) for November 2,
3 2010;

4
5 WHEREAS the parties have agreed to engage in an informal exchange of information in advance
6 of the mediation;

7
8 WHEREAS the parties would like to focus their resources and efforts on the mediation and
9 related informal exchange of information, as well as the pending motions to dismiss the First Amended
10 Complaint in part under Federal Rule of Civil Procedure 12(b)(6) brought by defendant New United
11 Motor Manufacturing, Inc. ("NUMMI") and defendants Toyota Motor Corp. and Toyota Motor Sales,
12 U.S.A., Inc., respectively (collectively as "Motions to Dismiss");

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14 WHEREAS the Motions to Dismiss are currently set for hearing on November 5, 2010;

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16 WHEREAS plaintiffs have requested an additional week in which to prepare their opposition(s)
17 to the Motions to Dismiss, currently due October 15, 2010;

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19 WHEREAS defendants are amenable to continuing the hearing on the Motions to Dismiss in
20 order to permit plaintiffs additional time for their opposition(s), but are not available for a later hearing
21 until December 3, 2010; and

22
23 WHEREAS the Initial Case Management Conference is currently set for October 15, 2010;

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25 IT IS HEREBY STIPULATED, SUBJECT TO APPROVAL BY THE COURT, THAT:

26
27 1. The initial conference of the parties as required by Federal Rule of Civil Procedure 26(f)
28 and related deadlines, including the discovery plan described in Federal Rule of Civil Procedure

26(f)(3), initial disclosures described in Federal Rule of Civil Procedure 26(a)(1)(A), and joint case management conference statement described in Civil Local Rule 16-9, shall be deferred until an appropriate date after the mediation, to be determined jointly by the parties, with the Court's approval;

2. The hearing and remaining briefing schedule on the Motions to Dismiss shall be modified as follows:

<u>Event</u>	<u>Current Due Date</u>	<u>Proposed Due Date</u>
Opposition	October 15, 2010	November 3, 2010
Reply	October 22, 2010	November 19, 2010
Hearing	November 5, 2010	December 3, 2010

3. The Initial Case Management Conference shall be continued to the date of the hearing on the Motions to Dismiss, *i.e.*, December 3, 2010.

DATED: October 8, 2010

LAWSON LAW OFFICE
LAW OFFICES OF GREG MAYEDA
THE IMPACT FUND
THE LEGAL AID SOCIETY-EMPLOYMENT LAW
CENTER

BY:


CLAUDIA CENTER (M)

Attorneys for Plaintiffs

DATED: October 8, 2010

PAUL, HASTINGS, JANOFSKY & WALKER LLP

BY:


KATHERINE C. HUIBONHOA

Attorneys for Defendant

NEW UNITED MOTOR MANUFACTURING, INC.

1 DATED: October 8, 2010

MORGAN, LEWIS & BOCKIUS LLP

2
3 BY: 

4 L. JULIUS M. TURMAN

5 Attorneys for Defendants
6 TOYOTA MOTOR CORPORATION and TOYOTA
7 MOTOR SALES, U.S.A., INC.
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 14, 2010

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